

ORIGINAL

FILED

August 9 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

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CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA
DA 10-0226

PARK PLACE APARTMENTS, L.L.C.,

Plaintiff and Appellant

v.

FARMERS UNION MUTUAL INSURANCE
COMPANY, WILLIAM F. WILHELM AND
MONTANA FARMERS UNION INSURANCE
AGENCY, INC.,

Defendants and Appellees,

WILLIAM F. WILHELM,

Third-Party Plaintiff and Appellee,

v.

**DEFENDANT, THIRD-
PARTY PLAINTIFF AND
APPELLEE WILLIAM F.
WILHELM'S MOTION FOR
EXTENSION OF TIME**

WHITEFISH INSURANCE AGENCY, INC.,
A Montana Corporation,

Third-Party Defendant and Appellee.

Defendant William F. Wilhelm, through his counsel of record, moves the Court under Rule 26 for a 30-day extension of time to file a response brief. Under Rule 26, a party may move for and be granted one 30-day extension of time in which to file a brief required or allowed to be filed under the Rules of Appellate Procedure. Plaintiff Park Place Apartments served its opening brief on July 12, 2010. Defendant William Wilhelm's brief is due August 11, 2010. No prior request for an extension of time has been made by Defendant William Wilhelm.

Counsel for Wilhelm has contacted other counsel via email. Counsel for MFUAI and Whitefish Insurance Agency have indicated they do not oppose the motion. The other parties have not responded.

DATED this 6th day of August, 2010.

SMITH, WALSH, CLARKE & GREGOIRE, PLLP

By: 

William J. Gregoire, Esq.

Steven J. Fitzpatrick, Esq.

Attorneys for Defendant, Third-Party


Plaintiff and Appellee William F. Wilhelm

CERTIFICATE OF COMPLIANCE

Pursuant to Rule 16(3) of the Montana Rules of Appellate Procedure, I certify that this Motion is printed with a proportionately spaced Times New Roman text typeface of 14 points; is double-spaced; and the word count calculated by Corel WordPerfect X3 is not more than 1,250 words, excluding certificate of service and certificate of compliance.

DATED this 6th day of August, 2010.

SMITH, WALSH, CLARKE & GREGOIRE, PLLP

By: 

William J. Gregoire, Esq.
Steven J. Fitzpatrick, Esq.
Attorneys for Defendant, Third-Party
Plaintiff and Appellee William F. Wilhelm

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was duly served upon the following by mail, hand delivery, Federal Express or facsimile transmission:

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☒ U.S. mail
☐ Federal Express
☐ Hand delivery
☐ Facsimile transmission

DATED this 6th day of August, 2010.

